

1 U.S. DISTRICT JUDGE RICARDO S. MARTINEZ
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

9 KELLY JERVIS,)
10 Plaintiff,) CIVIL NO. 3:23-cv-05511-RSM
11 vs.) ORDER
12 COMMISSIONER OF SOCIAL SECURITY,)
13 Defendant)
14)
15

16 This matter comes before the Court on the party's motion for attorney's fees pursuant to
17 the Equal Access to Justice Act, 28 U.S.C. § 2412

18 The motion is timely as Plaintiff had a 60-day appeal period, plus the 30-day period in
19 §2412(d)(1)(B), from the entry of final judgment on May 12th, 2023 to file a timely EAJA
20 application. *Akopyan v. Barnhart*, 296 F.3d 852 (9th Cir. 2002); *Melkonyan v. Sullivan*, 501 U.S.
21 89, 94-96 (1991); FED. R. App. P. 4(a). Furthermore, upon review of the record, the Court
22 determines that Plaintiff is the prevailing party, the government's position was not substantially
23 justified, and that the itemization of attorney time spent is reasonable. In short, the requirements
24 of § 2412(d)(1)(B) are met.

25 ORDER FOR EAJA FEES - 1

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Having thoroughly considered the party's briefing and the relevant record, the Court hereby GRANTS the motion and awards Plaintiff \$339.89 in attorney's fees, subject to any offset allowed under the Treasury Offset Program. *See. Astrue v. Ratliff*, 560 U.S. 586, 589 – 590 (2010). Payment of EAJA fees shall be sent to Plaintiff's attorney by either EFT or check: David Oliver at David Oliver & Associates, 2608 South 47th Street, Suite C, Tacoma, WA 98409. Pursuant to *Ratliff*, award shall be payable to Plaintiff's attorneys, David Oliver at David Oliver & Associates, if the Commissioner confirms that Plaintiff owes no debt to the Government through the Federal Treasury Offset program.

For the foregoing reasons, Plaintiff's stipulated motion for attorney fees is GRANTED;

DATED this 4th day of December, 2023.



RICARDO S. MARTINEZ
UNITED STATES DISTRICT JUDGE

Presented by:

S/David Oliver
David P. Oliver,
Attorney for Plaintiff

ORDER FOR EAJA FEES - 2

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